

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

WILLIAM KUNTZ, III,

Plaintiff,

v.

8:19-CV-602  
(GLS/DJS)

THE GRAND UNION CAPITAL CORP.,

Defendant.

---

**APPEARANCES:**

**OF COUNSEL:**

WILLIAM KUNTZ, III  
Plaintiff, *Pro Se*  
PO Box 1801  
Nantucket Island, MA 02554-1801

**DANIEL J. STEWART**  
**United States Magistrate Judge**

**ORDER**

This action was filed on May 21, 2019. Dkt. No. 1. To date, there has been no proof of service of the Complaint upon Defendant filed with the Court and no appearance has been entered by Defendant. On February 10, 2020, Plaintiff filed an “Acknowledgment of Non-Service” which consisted of a letter advising Plaintiff that the entity Plaintiff attempted to serve as the agent of Defendant last year was unable to serve Defendant. Dkt. No. 10 at p. 2.

Under FED. R. CIV. P. 4(m) “[i]f a defendant is not served within 90 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant.” Here, given that it has been over eleven months since the Complaint was filed and it appears that Defendant has not been served, the Court provides Plaintiff thirty days to provide proof of service upon Defendant. If Defendant has not been served, the Court provides Plaintiff notice of its intent to recommend dismissal of this action without prejudice under Rule 4(m).

**IT IS SO ORDERED.**

Date: April 23, 2020  
Albany, New York



Daniel J. Stewart  
U.S. Magistrate Judge